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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 12 - 0808 DLJ
)	
Plaintiff,)	
)	STIPULATION AND [] ORDER
v.)	
)	
RESAT OTUS NURI,)	
aka Otus Resat Nuri,)	
aka Resat Nuri Otus,)	
aka Nuri Resat Otus,)	
aka Resat,)	
aka Otus,)	
aka Nuri,)	
)	
Defendant.)	

WHEREAS, the parties were scheduled for a status hearing before this Court on
April 11, 2013;

WHEREAS, defense counsel is continuing to review documents and data in connection
with evaluating and analyzing this matter and government is in the process of responding to
additional discovery issues raised by the defendant;

WHEREAS, in light of the foregoing, counsel for the parties jointly agree and stipulate

1 that a continuance of this matter is appropriate in order to ensure effective preparation of counsel
2 and continuity of counsel, pursuant to 18 U.S.C. § 3161(h)(7), and that based on their respective
3 calendars and the period needed for the aforementioned discovery matters, an appropriate date
4 for a status hearing is Thursday, May 23, 2013;

5 THEREFORE, the parties mutually and jointly stipulate that the matter be continued until
6 May 23, 2013, and further jointly stipulate and agree that time should be excluded from April 11,
7 2013, up to and including May 23, 2013. The parties agree that excluding time until May 23,
8 2013, is necessary, given the need to maintain continuity of counsel. The parties also agree that
9 failing to grant a continuance would deny counsel for the defense the reasonable time necessary
10 for effective preparation and continuity of counsel, taking into account the exercise of due
11 diligence. See 18 U.S.C. § 3161(h)(7). Finally, the parties agree that the ends of justice served
12 by excluding time from April 11, 2013, until May 23, 2013, outweigh the best interest of the
13 public and the defendant in a speedy trial. Id. § 3161(h)(7).

14 **IT IS SO STIPULATED.**

15 MELINDA HAAG
16 United States Attorney

17
18 DATED: April 9, 2013

19 /s/
TIMOTHY J. LUCEY
Assistant United States Attorney

20
21
22 DATED: April 9, 2013

23 /s/
JONATHAN D. MCDOUGALL
Attorney for RESAT OTUS NURI

24
25 **ORDER**

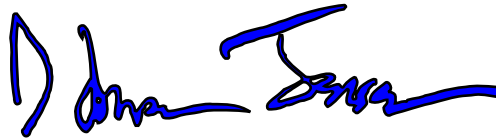
26 For good cause shown, the Court enters this order excluding time from April 11, 2013, up
27 to and including May 23, 2013. Specifically, the parties agree, and the Court finds and holds
28 that such that time should be excluded until May 23, 2013, and furthermore that failing to grant a

1 continuance and exclude time until May 23, 2013, would unreasonably deny the defendant
2 effective preparation of counsel and continuity of counsel, taking into account the exercise of
3 due diligence. See 18 U.S.C. § 3161(h)(7).

4 Finally, the parties agree, and the Court finds and holds, that the ends of justice served by
5 excluding time from April 11, 2013, through May 23, 2013, outweigh the best interest of the
6 public and the defendant in a speedy trial. Id. § 3161(h)(7).

7 **IT IS SO ORDERED.**

8
9
10 **DATED: 1 FEB 2013**



HON. D. LOWELL JENSEN
United States District Court